

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

CALVIN RAY HYDER

v.

NATHANIEL QUARTERMAN

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§

C.A. NO. C-07-291

**ORDER**

Petitioner is an inmate in the Texas Department of Criminal Justice, Correctional Institutions Division, and is currently incarcerated at the Telford Unit in New Boston, Texas. Pending is his motion to reinstate his habeas petition. (D.E. 40).

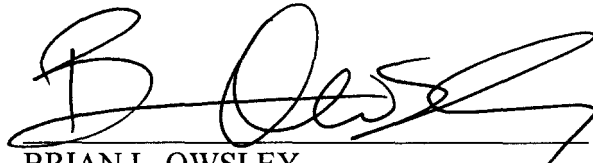
Proceeding pro se, petitioner filed this habeas petition on July 2, 2007, challenging his July 12, 2006 conviction for harassment by a person in a correctional facility in the 156th Judicial District Court of Bee County, Texas. (D.E. 1, at 3). On December 5, 2007, the Court dismissed petitioner's claims without prejudice for failure to exhaust. (D.E. 35).

On May 1, 2008, petitioner filed the pending motion to reinstate his petition for writ of habeas corpus. (D.E. 40). In this motion, he explains that he re-filed his corrected state habeas application on February 8, 2008. Id. at 1. On April 16, 2008, the Court of Criminal Appeals denied his application without written order. Id. at 2. Because his claims are now exhausted, he reasons, his federal habeas corpus petition should be reinstated. Id.

On May 6, 2008, the Court ordered respondent to file a copy of petitioner's latest state habeas application. (D.E. 41). On May 20, 2008, the records were filed. (D.E. 44). Respondent also filed a response to the Court's order, (D.E. 43), to which petitioner has responded. (D.E. 45).

Upon review, it appears that petitioner's state habeas application was sufficient to exhaust all of his federal claims. It further appears expedient to engage in a limited review of petitioner's substantive claims. Accordingly, respondent is hereby ORDERED to file with the Court the complete record of petitioner's conviction in cause No. B-05-M011-0-PR-D-1. This shall include transcripts of all pretrial, trial or plea, sentencing, and post-conviction proceedings, as well as copies of all orders, motions, and other filings. Respondent shall file the requested documents within ten days of the entry of this order.

ORDERED this 4th day of June 2008.



BRIAN L. OWSLEY  
UNITED STATES MAGISTRATE JUDGE